

REMARKS

This Amendment is in response to the Office Action mailed July 17, 2002. Claim 1 is amended, claim 22 is canceled, and new claims 29-79 are added. No new matter is added by these amendments. Claim 1 has been amended to clarify its meaning, incorporating the language of claim 22. Claims 1-21 and 23-79 are pending in this application.

Claim Rejections

Claims 1-7, 9, 11-15, 17, 20 and 22 were rejected under 35 U.S.C. 102(b) as being anticipated by Larkin. Applicants respectfully traverse this rejection. Claim 1 relates to a flying insect trap including a housing that is configured to cooperate with the light source so that the light is directed into at least three non-overlapping insect attractant light patterns formed on the planar mounting surface. This feature was previously claimed in claim 22. In the Office Action, the Examiner argued that Larkin taught this feature in Figure 4. However, Figure 4 shows only a number of light rays extending from the trap, and does not show at least three non-overlapping light patterns. Applicants respectfully request allowance of claim 1, and dependent claims 2-21 and 23-27.

Claims 8, 10, 16, 18-19, 21, and 23-27 are rejected under 35 U.S.C. 103 as being unpatentable over Larkin. Applicants respectfully traverse this rejection. These claims are patentable for at least the same reasons as claim 1, in addition to other distinctions.

Claim 28 was noted in the Office Action to be allowable.

Independent claim 29 was added in this Amendment and relates to a flying insect trap where the housing includes a triangular planar plate. A similar limitation is present in claim 27, which was rejected under 35 U.S.C. 103 as being unpatentable over Larkin. The Examiner argued that although Larkin shows a rectangular plate, it would have been obvious to employ other shapes for the housing. Applicants respectfully traverse this rejection and note that the Examiner has not presented a complete rejection under 35 U.S.C. 103. A prima facie case of obviousness has four parts:

- a. There must be some suggestion or motivation to combine the prior art.
- b. There must be a reasonable expectation of success of the combination.

- c. The prior art references, when combined, must teach or suggest all claim limitations.
- d. Both the teaching or suggestion to make the combination and the reasonable expectation of success must be found in the prior art, and not in the applicant's disclosure.

MPEP 2142; In re Vaeck, 947 F.2d. 488, 493 (Fed. Cir. 1991).

Applicant respectfully submits that this rejection does not describe a suggestion or motivation for modifying the rectangular plate of Larkin to be a triangular plate. In addition, the claim element of a triangular plate is not found in the only cited prior art, Larkin. Accordingly, applicants respectfully request that claims 29-54 be allowed.

Independent claim 55 is added in this amendment and relates to a flying insect trap where the housing includes three sides, one of three light sources is positioned near each side, and one of each of the three light patterns is formed on one of each of the three sides of the housing. This feature is also not shown in Larkin. Accordingly, applicants respectfully request that claims 55-79 be allowed.

Interview Summary

On October 30, 2002, Applicants undersigned representative Kate DeVries Smith conducted a personal interview with Examiner Rowan to discuss the rejections. Several distinctions of the present invention over Larkin were discussed, including the triangular shape of the housing, three non-overlapping light patterns and three light sources creating three light patterns. The Examiner agreed to consider these features further after the next amendment.

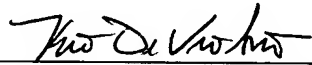
Conclusion

Applicants respectfully request allowance of the pending claims. The Examiner is encouraged to contact Applicant's undersigned representative with any questions.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: Dec. 17, 2002



Katherine M. DeVries Smith
Reg. No. 42,157
KDS:PSTkaw



Serial No. 10/033,634

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims

Claim 22 has been cancelled.

Claim 1 has been amended as follows:

1. (AMENDED) A flying insect trap, using insect attractant light displayed onto a substantially planar mounting surface, said trap comprising:
 - (a) means for mounting the flying insect trap on the planar mounting surface;
 - (b) at least one source of insect attractant light;
 - (c) at least one insect immobilization surface; and
 - (d) a housing, the housing configured to cooperate with the source of insect attractant light such that light from the source is directed into at least three non-overlapping insect attracting light patterns formed on the planar mounting surface.

Claims 29-79 are new.